

OPINIONS OF THE SUPREME COURT OF OHIO

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Taylor v. National Group of Companies, Inc. et al.

[Cite as Taylor v. Natl. Group of Cos., Inc. (1992), Ohio St.3d .]

Employer and employee -- Sexual harassment -- Plaintiff may demand jury trial of her claims under R.C. 4112.99 where gravamen of claim is discrimination on the basis of sex.

(No. 91-2108 -- Submitted November 9, 1992 -- Decided December 11, 1992.)

On Order from the United States District Court for the Northern District of Ohio, Western Division, Certifying a Question of State Law, No. C:89CV7009.

Bruce Comly French, for petitioner.

Manahan, Pietrykowski, Bamman & DeLaney and Glenn E. Wasielewski; Hunt, Moritz & Johnson and Jerry M. Johnson, for respondents.

The United States District Court for the Northern District of Ohio, Western Division, has certified the following question to us:

"May the plaintiff demand a jury trial of her claims under {4112.99, where the gravamen of the claim is discrimination on the basis of sex?"

The certified question is answered in the affirmative. See *Elek v. Huntington Natl. Bank* (1991), 60 Ohio St.3d 135, 573 N.E.2d 1056; and cf. *Hoops v. United Tel. Co. of Ohio* (1990), 50 Ohio St.3d 97, 553 N.E.2d 252.

Moyer, C.J., Sweeney, Douglas, H. Brown and Resnick, JJ., concur.

Holmes and Wright, JJ., concur separately.

Holmes, J., concurring. Although I dissented in *Elek v. Huntington Natl. Bank*, and still personally adhere to the view espoused in such dissent, the policy of stare decisis prevails, and I must concur with the majority on that basis.

Wright, J., concurs in the foregoing concurring opinion.